

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

WC Docket No. 18-141

Petition of USTelecom for Forbearance Pursuant
to 47 U.S.C. § 160(c) to Accelerate Investment in
Broadband and Next-Generation Networks

**MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE
MOTION FOR EXTENSION OF TIME**

On May 4, 2018, USTelecom—The Broadband Association (“USTelecom”) filed a Petition for Forbearance from several sections of the Communications Act (“Petition”).¹ On May 8, the Federal Communications Commission (“FCC”) set the pleading cycle for the Petition, making comments due on June 7, and reply comments due on June 22.²

Pursuant to section 1.46 of the FCC’s rules, the Massachusetts Department of Telecommunications and Cable (“MDTC”) respectfully requests an extension of 90 days for filing comments in response to the Petition, which would establish a new comment deadline of September 5, 2018.³ The MDTC requests that reply comments be due 30 days after the new comment deadline, or October 5, 2018. Massachusetts consumers and businesses will be impacted by this proceeding given the potential for reduced competition in the voice services

¹ *In re Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband & Next-Generation Networks*, WC Docket No. 18-141 (May 4, 2018).

² *Pleading Cycle Established for Comments on USTelecom’s Petition for Forbearance from Section 251(c) Unbundling & Resale Requirements & Related Obligations, & Certain Section 271 & 272 Requirements*, WC Docket No. 18-141, *Public Notice* (May 8, 2018).

³ 47 C.F.R. § 1.46. The MDTC is the exclusive state regulator of telecommunications and cable services within the Commonwealth of Massachusetts. MASS. GEN. LAWS ch. 25C, § 1.

market. In addition, the MDTC will be specifically and substantially affected by the outcome of this proceeding as the Petition requests a modification to the authority delegated to the MDTC under federal law.⁴ The MDTC agrees with and supports the several other motions for an extension of time that have already been filed.⁵

While the FCC does not routinely grant motions for extensions of time, this is not a routine petition, but one that involves several complex factual and legal issues.⁶ The Petition contains no less than 12 distinct requests for forbearance.⁷ While the MDTC is cognizant of and respects the timeframe within which the FCC must make determinations on these requests, the FCC must have a complete record before it to do so.⁸ A 30-day comment window simply does not afford the time needed for commenters to assist the FCC in its decision-making. While a timeline of 30 days for comments and 15 days for reply comments is typical for forbearance petitions, the FCC establishes “longer pleading cycles for more complex petitions.”⁹ It is hard to imagine a forbearance petition more complex than the instant Petition.

⁴ See Petition (requesting forbearance from certain portions of 47 U.S.C. §§ 251, 252).

⁵ See *Pub. Utils. Comm’n of Ohio, Motion for Extension of Time*, WC Docket No. 18-141 (May 18, 2018); *NASUCA, Letter In Support Of Motions For Extension Of Time*, WC Docket No. 18-141 (May 18, 2018); *NARUC, Motion for Extension of Time*, WC Docket No. 18-141 (May 16, 2018); *Granite Telecommunications, LLC, Letter In Support Of INCOMPAS’s Motion to Dismiss & Motion for Extension of Time*, WC Docket No. 18-141 (May 15, 2018); *MACC, Letter In Support Of INCOMPAS’s Motion for Extension of Time*, WC Docket No. 18-141 (May 14, 2018); *CALTEL, Motion for Extension of Time and Protective Order*, WC Docket No. 18-141 (May 11, 2018); *INCOMPAS, Motion for Extension of Time*, WC Docket No. 18-141 (May 11, 2018).

⁶ 47 C.F.R. § 1.46(a).

⁷ See Petition (requesting forbearance, at least in part, from sections 251(c)(1), 251(c)(3), 251(c)(4), 252(a), 252(b), 252(c), 252(d)(1), 252(d)(3), 252(e), 252(h), 271(C)(2)(B)(iii), and 272(e)(1)).

⁸ See 47 U.S.C. § 160(c).

⁹ *In re Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Commc’ns Act of 1934, as Amended*, 24 FCC Rcd. 9543, 9558-59 (2009); see also *Verizon Tel. Cos. Petition for Forbearance from the Current Pricing Rules for the Unbundled Network Element Platform*, 18 FCC Rcd. 14,600, 14,601, *Order* (2003) (granting an extension of time to respond to a forbearance petition where the issues raised require parties to expend significant time and resources gathering the factual and economic data necessary to provide the FCC with a complete record).

Because of the need for sufficient time to adequately review and respond to the complex issues raised in the Petition, the MDTC respectfully requests that the FCC grant the requested extension.

Respectfully submitted,

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COMMISSIONER

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